

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Amendment)

815 KAR 20:195. Medical gas piping installations.

RELATES TO: KRS 198B.050, 318.010, 318.134

STATUTORY AUTHORITY: KRS 198B.040(1), 318.130, 318.134(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto. This administrative regulation establishes the requirements and permitting fees for medical gas piping installation.

Section 1. Standards and Procedures. (1) Installation standards. All new medical gas piping installation or an addition to an existing medical gas piping system shall comply with the applicable provisions of NFPA 99 Health Care Facilities Code.

(2) Permit required. A licensed master plumber shall apply for a permit to install medical gas piping prior to the installation. To obtain the permit, the master plumber shall:

(a) Pay a fifty (50) dollar ~~fee of forty-five (45) dollars~~ base permit fee for the medical gas system for each building;

(b) Pay a twenty (20) dollar fee ~~[of fifteen (15) dollars]~~ per opening; and

(c) Identify the person who shall install~~[perform]~~ the installation.

(3) The person installing the medical gas piping shall be:

(a) A certified medical gas installer as required by NFPA 99 Health Care Facilities Code; and

(b) A licensed master plumber or journeyman plumber.

(4) Supervision by a master plumber. It shall be the responsibility of the licensed master plumber to ensure that the person doing the installation:

(a) Is properly certified as required by NFPA 99 Health Care Facilities Code;

(b) Uses the proper products and stores them correctly; and

(c) Requests and receives all inspections at the initial pressure test for the complete system from a qualified plumbing inspector.

(5) Final approval. Upon completion of the installation, the master plumber shall furnish the division with the certification from the medical gas system verifier as required by NFPA 99 Health Care Facilities Code.

Section 2. Incorporation by Reference. (1) "NFPA 99 Health Care Facilities Code, 2012 Edition, National Fire Protection Association, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 500 Mero St., Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) A copy may also be obtained by contacting the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101.

815 KAR 20:195:

KERRY B. HARVEY, Secretary

RICK W. RAND, Commissioner

APPROVED BY AGENCY: July 6, 2021

FILED WITH LRC: July 6, 2021 at 12:27 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 27, 2021 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be head at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 573-0365, fax (502) 573-1057, email benjamin.siegel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Benjamin Siegel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements and permitting fees for medical gas piping installation.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements and permitting fees for medical gas piping installation in Kentucky, pursuant to KRS 318.130 and KRS 318.134(3).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto.

(d) How this administrative regulation current assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements and permitting fees for medical gas piping installation.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This amendment will increase the fees for medical gas piping installation permits and makes minor grammatical changes.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure continued service to the public and fulfillment of KRS Chapter 318's statutory duties to conduct plumbing plan review, inspection, and enforcement of the Kentucky

State Plumbing Code. Beginning in FY 2019, the Division of Plumbing's expenditures exceed their revenues. In FY 2020, the division's expenditures exceeded revenues by \$604,592.68, despite the division making no intra-agency or cabinet support transfers. This is primarily due to increased personnel costs, which make up 88% of the division's expenditures. In order to offer the same level of service and safety to the plumbing industry and the Commonwealth as a whole, fees must be increased.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto.

(d) How the amendment will assist in the effective administration of the statutes: The revenues generated by this amendment will continue to allow the Division of Plumbing to operate safely and effectively in carrying out its plan review, inspection, and enforcement duties.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Department of Housing, Buildings and Construction and members of the plumbing industry who install medical gas piping.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: This amendment will not impose any additional requirements on any of the regulated entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will increase the base fee for medical gas installation permits from \$45 to \$50 and increase the per opening fee for medical gas permits from \$15 to \$20.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The revenues generated by this amendment will continue to allow the Division of Plumbing to operate safely and effectively in carrying out its plan review, inspection, and enforcement duties. It will allow the division to continue to offer excellent customer service to the plumbing industry, including, for example, same day inspections.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer these regulatory amendments initially.

(b) On a continuing basis: There are no anticipated additional costs on a continuing basis to administer these regulatory amendments on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of these amendments is anticipated to result in no additional costs to the department. Any costs resulting from these amendments will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will increase the base fee for medical gas installation permits from \$45 to \$50 and increase the per opening fee for medical gas permits from \$15 to \$20.

(8) State whether or not this administrative regulation established any fees or directly or indi-

rectly increased any fees: This amendment will increase the base fee for medical gas installation permits from \$45 to \$50 and increase the per opening fee for medical gas permits from \$15 to \$20.

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation applies equally to all plumbers doing work that requires a medical gas piping installation permit.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of Plumbing will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorized the action taken by the administrative regulation. KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is anticipated to generate approximately \$18,310 for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is anticipated to generate approximately \$18,310 each subsequent year, assuming similar construction activity to FY 19 and FY 20.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$18,310

Expenditures (+/-): Neutral

Other Explanation: Revenues generated will be utilized to offset the current gap between revenues and expenditures for the Division of Plumbing, making more equitable intra-agency and cabinet support transfers, making more equitable contribution to shared DHBC operational costs, and division operating costs.